

Message Text

CONFIDENTIAL

PAGE 01 MOSCOW 05681 131038Z

21

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----- 045202

P 130508Z APR 76

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC PRIORITY 2460

C O N F I D E N T I A L MOSCOW 5681

EXDIS

E.O. 11652: GDS

TAGS: PLOS, US, UR

SUBJECT: MY CALL ON GROMYKO: LAW OF THE SEA

REF: (A) STATE 85109 (B) USUN 1493

1. GROMYKO RECEIVED ME AT 5:30 P.M. ON APRIL 12 TO DISCUSS LAW OF THE SEA AND OTHER QUESTIONS (SEPTELS). GROMYKO WAS ACCOMPANIED BY DEPUTY FOREIGN MINISTER KORNIYENKO AND BY INTERPRETER SUKHODRIYEV. I WAS ACCOMPANIED BY EMBASSY LOS OFFICER. I GAVE GROMYKO A COPY OF THE FULL TEXT OF THE SECRETARY'S AUGUST 8 SPEECH AND STRESSED THE IMPORTANCE WHICH HE ATTACHES TO THE SUCCESSFUL CONCLUSION OF THE LOS NEGOTIATIONS. I ALSO HANDED OVER A NON-PAPER GIVING THE GENERAL TALKING POINTS (REFTEL A). I COMMENTED THAT THE US AND THE USSR HAVE ENJOYED CLOSE COOPERATION AND CONSULTATIONS ON LOS QUESTIONS AND WE HOPED THAT THIS PATTERN WOULD CONTINUE TO MARK OUR DEALINGS THROUGH TO THE SUCCESSFUL CONCLUSION OF THE NEGOTIATIONS.

2. I THEN TURNED TO THE QUESTION OF THE QUOTA SYSTEM FOR DEEP SEA-BED MINING, SPELLING OUT IN DETAIL THE POINTS IN REF B, AND PARTICULARLY EMPHASIZING THE DIFFERENCES WHICH SEEMED TO MARK THE TWO SIDES POSITIONS TO DATE. I STRESSED THAT THE SECRETARY'S SPEECH SOUGHT TO INJECT NEW MOMENTUM TOWARDS AN EQUITABLE SOLUTION ON THIS AND OTHER QUESTIONS AND THAT THE US COULD NOT ACCEPT A SYSTEM WHICH WOULD DENY OR SEVERLY RESTRICT US ACCESS TO DEEP SEA-BED MINING SITES. I ALSO LEFT A NON-PAPER GIVING THE POINTS IN REF B. I THEN MENTIONED THAT WE ALSO SEEMED TO HAVE SOME

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 05681 131038Z

REMAINING DIFFERENCES ON THE QUESTION OF DISPUTE SETTLEMENT AND

NOTED THAT I HAD RAISED THIS QUESTION WITH DEPUTY MINISTER KOZYREV IN AN EARLIER CONVERSATION. I POINTED OUT THAT WE FELT IT ESSENTIAL TO HAVE A SYSTEM OF BINDING ARBITRATION WHICH WOULD APPLY COMPREHENSIVELY TO ALL ASPECTS OF THE LAW OF THE SEA CONVENTION.

3. GROMYKO RESPONDED FIRST BY ASKING WHETHER MY PRESENTATION WAS SIMPLY TO INFORM HIM OR TO HAVE HIS REACTION TO THESE QUESTIONS. I REPLIED THAT WE WANTED TO INFORM THE SOVIET GOVERNMENT AT THE HIGHEST LEVEL OF THE SECRETARY'S SPEECH, OF OUR NEW INITIATIVES AND PARTICULARLY ABOUT THE PROBLEMS ON WHICH WE HAVE IMPORTANT DIFFERENCES. I SAID THAT WE WOULD APPRECIATE ANY THOUGHTS HE HAD ON THESE SUBJECTS. GROMYKO RESPONDED THAT THE SOVIET POSITION ON LOS QUESTIONS IS EITHER IDENTICAL OR OVERLAPS CLOSELY WITH THE US POSITION. IT IS NATURAL, HE SAID, THAT THE TWO COUNTRIES, AS MAJOR MARITIME POWERS, SHOULD HAVE SIMILAR INTERESTS AND THE SOVIETS ARE HIGHLY SATISFIED WITH THE COOPERATION WHICH HAS BEEN SHOWN TO DATE. THERE ARE OF COURSE SOME DIFFERENCES WHICH HAVE COME TO LIGHT DURING THE PRESENT NEGOTIATIONS IN NEW YORK. IT IS NOT CLEAR HOW THESE CAN BE SOLVED, HE SAID, AND THEY MAY NOT BE FULLY RESOLVED UNTIL THE NEGOTIATIONS ARE COMPLETED. HE THEN SAID HE WOULD RATHER NOT GO INTO DETAIL AT THIS TIME BUT THAT THE SOVIETS COULD PROVIDE ANSWERS TO OUR POINTS EITHER IN MOSCOW OR IN NEW YORK OR BOTH. "WE ARE AWARE OF YOUR POSITION", HE SAID. NOW THE PROBLEM IS HOW TO REACH SUCCESSFUL COMPROMISES. THE US POSITION IS VERY STRONG ON SOME ISSUES, PARTICULARLY THOSE WHICH ARE TO ITS SPECIFIC ADVANTAGE. FOR EXAMPLE, HE SAID, THE CONGRESS HAS PASSED A BILL EXTENDING THE US FISHING ZONE TO 200 MILES. THIS IS A UNILATERAL ACT; THE US LIKES THIS IDEA, SO THE US DOES IT. ON DEEP SEA-BEDS, THE US POSITION ALSO SERVES ITS UNILATERAL INTERESTS AND IT DOES NOT APPEAR VERY RECEPTIVE TO OTHER IDEAS.

4. ON THE SETTLEMENT OF DISPUTES THE QUESTION IS THE DEGREE OF OBLIGATION AND THE SCOPE OF THE LAW, GROMYKO CONTINUED. THE US PROPOSES A TRIBUNAL. BUT IT IS NOT POSSIBLE TO HAVE TWO SYSTEMS OF INTERNATIONAL LAW IN WHICH CONFLICTING LAWS CANNOT BE RESOLVED. THERE IS ALREADY AN INTERNATIONAL COURT OF JUSTICE, HE SAID, AND NOW THE US PROPOSES TO SET UP ANOTHER SIMILAR TRIBUNAL. HOW WILL THE RIGHTS OF INDIVIDUAL COUNTRIES BE RESOLVED UNDER SUCH CIRCUM-
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 05681 131038Z

STANCES, HE ASKED. IT IS NOT POSSIBLE TO HAVE TWO VERSIONS OF INTERNATIONAL LAW. "SUCH A CONCEPT WE CANNOT SUPPORT." HE WENT ON TO STRESS THAT THE SOVIETS HOPE FOR THE MAXIMUM POSSIBLE COOPERATION AND ARE CONVINCED THAT IF THE US AND USSR GO IN DIFFERENT DIRECTIONS, AN ACCORD WILL NOT BE POSSIBLE.

5. I REPLIED THAT THE TRIBUNAL THAT WE PROPOSED AND THE QUESTION OF THE MANDATORY SETTLEMENT OF DISPUTES WERE NOT QUESTIONS OF

CONFLICTING INTERNATIONAL LAWS BUT WERE MECHANISMS FOR RESOLVING SPECIFIC DISPUTES UNDER THE PROPOSED LAW OF THE SEA CONVENTION. ON THE QUESTION OF THE UNILATERAL 200 MILE FISHING ZONE I POINTED OUT THAT THE ADMINISTRATION DOES NOT SUPPORT THIS POSITION AND HAD WORKED TO MINIMIZE THE EFFECT. KORNIYENKO INTERJECTED AT THIS POINT THAT THE MATTER WAS NEVERTHELESS UNILATERAL AND GROMYKO ADDED THAT THE SOVIET UNION MUST DEAL WITH THE UNITED STATES AS A UNITED GOVERNMENT. "WE DON'T HAVE THAT PROBLEM HERE," HE SAID. I POINTED OUT THAT THE FISHERIES LEGISLATION WOULD NOT IN ANY EVENT GO INTO EFFECT UNTIL NEXT YEAR AND THAT SUCCESSFUL CONCLUSION TO THE LAW OF THE SEA CONVENTION WOULD SUPERCEDE IT.

6. 6. GROMYKO THEN TURNED TO THE QUESTION OF PASSAGETHROUGH STRAITS

, SAYING THAT IT WAS EXTREMELY IMPOTANT TO THE SOVIETS AND SHOULD BE EQUALLY IMPORTANT TO THE US AS AN ESSENTIAL PRINCIPLE. HE COMPLAINED THAT THE U.S. SEEMED "PASSIVE" ON THIS QUESTION AND SUGGESTED THAT U.S. REPRESENTATIVES "NEED MOREFUEL". THE EFFECT, HE SAID, IS TO LEAVE THE SOVIETS TO CARRY THEARGUMENT AND TO GIVE THE IMPRESSION THAT THE US DOES NOT FEEL STRONGLY ABOUT IT. I REPLIED THAT INDEED WE DO FEEL VERY STRONGLY ON THIS QUESTION AND THAT WE FELT THAT SIGNIFICANT PROGRESS HAD BEEN MADE IN INSURING THE INVIOABILITY OF STRAITS PASSAGE. GROMYKO SAID THAT PERHAPS HE WAS NOT ACCURATELY INFORMED, BUT HE REPEATED THE LINE THAT THE US "NEEDS MOREFUEL, A HIGH-OCTANE FUEL," ON THAT SUBJECT.

7. THE CONVERSATION THEN TURNED TO OTHER SUBJECTS.

STOESSEL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TERRITORIAL WATERS, INNOCENT PASSAGE, SEABED, DISPUTE SETTLEMENT, INTERGOVERNMENTAL COOPERATION, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 APR 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MOSCOW05681
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760139-0577
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760468/aaaacfk.w.tel
Line Count: 143
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 76 STATE 85109
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 04 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 MAY 2004 by CollinP0>; APPROVED <02 SEP 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MY CALL ON GROMYKO: LAW OF THE SEA
TAGS: PLOS, US, UR, LOS, (GROMYKO, ANDREY ANDREYEVICH)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006